

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

ASH ADAM)	CASE NUMBER:
)	
Plaintiff)	JUDGE
)	
v.)	<u>DEFENDANT COSTCO WHOLESALE</u>
)	<u>CORPORATION'S NOTICE OF</u>
COSTCO WHOLESALE CORPORATION)	<u>REMOVAL OF CIVIL ACTION TO THE</u>
)	<u>UNITED STATES DISTRICT COURT</u>
Defendant)	<u>FOR THE NORTHERN DISTRICT OF</u>
)	<u>OHIO</u>

Now comes Defendant Costco Wholesale Corporation (“Costco”), by and through counsel, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446, and respectfully requests that this Court remove this action from the Lucas County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio. In support of this request, Costco states as follows:

1. Costco is a Defendant in a civil action pending in the Lucas County, Ohio Court of Common Pleas, captioned *Ash Adam vs. Costco Wholesale Corporation*, Lucas County C.P. Case No. G-4801-CI-0202203105-000. Plaintiff filed his Complaint on July 20, 2022.¹ The Lucas County Court of Common Pleas Clerk of Courts issued a Summons upon Costco on July 21, 2022.²

¹ A true and accurate copy of Plaintiff’s Complaint is attached hereto as Exhibit A.

² A true and accurate copy of the Summons is attached hereto as Exhibit B.

2. Costco's first notice of the above lawsuit was on or about July 29, 2022, when the Complaint was served on Costco's statutory agent in Columbus, Ohio.³ Accordingly, July 29, 2022, was the first notice Costco had of Plaintiff's Complaint.

3. Costco files this Notice of Removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

4. Plaintiff's Complaint stems from an alleged slip and fall which occurred on or about September 1, 2020 at the Costco located at 3405 Central Avenue, Toledo, Lucas County, Ohio 43606.

5. Upon information and belief, Plaintiff is an individual who is a resident of Ohio with an address of 503 Adams Street, Apt. 304, Toledo, Lucas County, Ohio 43604.

6. Costco is a Washington corporation with its primary place of business located at 999 Lake Drive, Issaquah, Washington 98027.

7. Upon information and belief, Plaintiff's Complaint seeks in excess of \$25,000.00 in damages from Costco.

8. Given the complete diversity of the parties' citizenship and the amount in controversy, this Court has original subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332. As such, this action is subject to removal pursuant to 28 U.S.C. § 1441.

9. Costco has filed this Notice of Removal within the time requirements outlined in 28 U.S.C. § 1446. In particular, Costco was allegedly served with a copy of the Summons and Complaint on or about July 29, 2022. Therefore, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(a).

³ A copy of the current docket in the Lucas County Court of Common Pleas case is attached hereto as Exhibit C. The docket reflects that service has been perfected upon Costco as of the filing of this Notice.

10. Costco has served a copy of this Notice of Removal upon Plaintiff, as well as filed it with the appropriate state court, pursuant to 28 U.S.C. 1446(d).

11. Costco asserts its right to a trial by jury.

12. Costco does not waive any jurisdictional or other defenses available to it.

13. Costco reserves the right to supplement this Notice of Removal and/or to present additional arguments in support of its entitled to removal.

WHEREFORE, Costco prays for removal of the above-referenced civil action from the Lucas County, Ohio Court of Common Pleas to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

/s/ Dennis R. Fogarty

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Attorney for Defendant Costco Wholesale Corporation

CERTIFICATE OF SERVICE

I hereby certify that Defendant Costco Wholesale Corporation's Notice of Removal of Civil Action to the United States District Court for the Northern District of Ohio was electronically filed with the Court on August 5, 2022. Notice of this filing will be sent by operation of the Court's case management and electronic case filing system. Parties may access this filing through the Court's case management and electronic case filing system. A true copy of the foregoing was also served by electronic mail on August 5, 2022 upon the following:

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